

A. G. Contract No. KR89-1808-TRD  
ECS File: JPA-89-109  
Tucson Contract: 0538-90/15258  
Pima Contract: 0104A1125970190  
Project: PM OH 209701D  
Section: Houghton Road Corridor

INTERGOVERNMENTAL AGREEMENT  
AMONG  
THE STATE OF ARIZONA  
AND  
THE COUNTY OF PIMA  
AND  
THE CITY OF TUCSON

THIS AGREEMENT is entered into 12 AUGUST, 1998,  
pursuant to Arizona Revised Statutes, Sections 11-951 through  
11-954, as amended, between the STATE OF ARIZONA, acting by and  
through its DEPARTMENT OF TRANSPORTATION (the "State") and the  
COUNTY OF PIMA, acting by and through its Board of Supervisors  
(the "County") and the CITY OF TUCSON, acting by and through  
its City Council, (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes  
Section 28-401 to enter into this agreement and has by  
resolution, a copy of which is attached hereto and made a part  
hereof, resolved to enter into this agreement and has delegated  
to the undersigned the authority to execute this agreement on  
behalf of the State.

2. The County is empowered by Arizona Revised Statutes  
Section 11-251 to enter into this agreement and has by  
resolution, a copy of which is attached hereto and made a part  
hereof, resolved to enter into this agreement and has  
authorized the undersigned to execute this agreement on behalf  
of the County.

3. The City is empowered by Arizona Revised Statutes  
Section 48-572 and City Charter Article 1, Section 1, Chapter 4  
to enter into this agreement and has by resolution, a copy of  
which is attached hereto and made a part hereof, resolved to  
enter into this agreement and has authorized the undersigned to  
execute this agreement on behalf of the City.

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NO. 22589  
Filed with the Secretary of State  
Date Filed: 08/12/98  
Petrey Bayless  
Secretary of State

By W. D. Greenwald

4. The City and County have identified the Houghton Road Corridor (SR 983) as a key element in the development of the Pima Association of Governments (PAG) Regional Transportation Plan, and desire to provide for the future transportation needs of the growth occurring in the southeast area of metropolitan Tucson. The State, County and City have agreed to share responsibility for the future construction of Houghton Road, from Golf Links Road to Sahuarita Road, a distance of 11.5 miles, more or less.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

## II. SCOPE OF WORK

### 1. State will:

a. Issue a Request for Proposals, accept and evaluate responses and award one or more consultant contracts for the corridor study.

b. Administer same, and provide the study results, to include a route location evaluation with alternatives, facility types and service features, an environmental assessment, as well as a general plan detailing specific design features, identifying future transportation needs, traffic analysis, drainage study, preliminary plans and profiles and right-of-way requirements to City and County for review and comment, all in accordance with the requirements of the States Action Plan for the project.

### 2. County will:

a. Review the study and provide comments as appropriate.

b. Acquire necessary right-of-way in the unincorporated area of the County for the project, and donate same at no cost to the City or State.

c. Pursue access control in accordance with the Regional Transportation Plan.

d. Pay for the future expansion or replacement of the Southern Pacific Railroad overpass structure on Houghton Road.

e. Retain maintenance responsibilities for Houghton Road until such time Houghton Road is accepted into the State System as a highway.

3. City will:

a. Acquire necessary right-of-way in the City for the project, and donate same at no cost to the County or State.

b. Pursue access control in accordance with the Regional Transportation Plan.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said study; provided, however, that this agreement may be cancelled at any time prior to the award of a consultant contract, upon thirty (30) days written notice to the other parties.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Engineering Consultants Services  
205 South 17 Avenue, Room 118E  
Phoenix, AZ 85007

Pima County  
Director of Transportation  
1313 South Mission Road  
Tucson, AZ 85713

City of Tucson  
Transportation Director  
Box 27210  
Tucson, AZ 85726

7. Attached hereto and incorporated herein is a copy of the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

PIMA COUNTY, ARIZONA  
PIMA COUNTY BOARD OF  
SUPERVISORS

By [Signature]  
CHAIRMAN  
Title

STATE OF ARIZONA  
Department of Transportation

By [Signature]  
EDWARD D. WRIGHT  
Deputy State Engineer

CITY OF TUCSON, ARIZONA

By [Signature]  
Thomas J. Volgy  
Mayor  
Title

PIMA COUNTY DEPARTMENT OF  
TRANSPORTATION

[Signature]  
DIRECTOR

ATTEST:

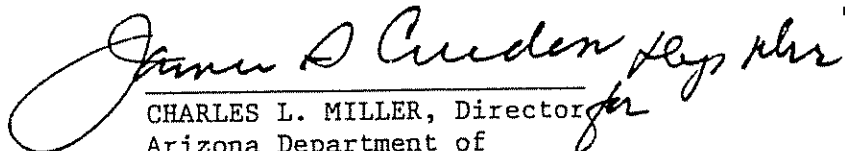
[Signature]  
Clerk, Board of Supervisors  
Pima County, Arizona  
JAN 16 1990

[Signature]  
CITY CLERK

RESOLUTION

BE IT RESOLVED on this 27th day of July 1989, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Tucson and Pima County for the purpose of defining responsibilities for the Houghton Road Corridor study.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Deputy State Engineer.

  
CHARLES L. MILLER, Director  
Arizona Department of  
Transportation

RESOLUTION AND ORDER NO. 1990-11

RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS APPROVING AND AUTHORIZING THE EXECUTION OF THE AGREEMENT BETWEEN PIMA COUNTY, THE CITY OF TUCSON AND THE STATE OF ARIZONA, WHICH AGREEMENT PROVIDES FOR THE DEFINITION OF RESPONSIBILITIES FOR THE HOUGHTON ROAD CORRIDOR STUDY.

WHEREAS, it is deemed to be in the public interest to establish an agreement with the City of Tucson and the State of Arizona for the definition of responsibilities for the Houghton Road Corridor Study, pursuant to the provisions of A.R.S. Section 11-951, et seq., and A.R.S. Section 9-672.

NOW, THEREFORE, UPON MOTION DULY MADE, SECONDED, AND CARRIED, BE IT RESOLVED:

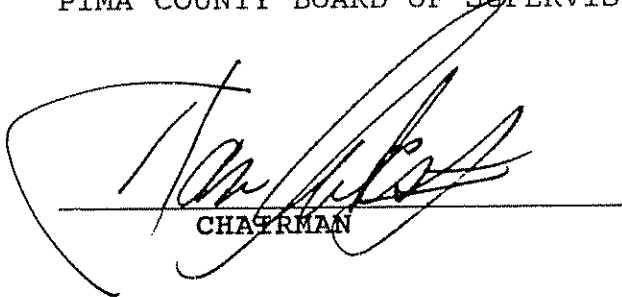
THAT Pima County enter into an Agreement with the City of Tucson and the State of Arizona to set forth the general terms and conditions for the Houghton Road Corridor Study, in accordance with the attached Agreement.

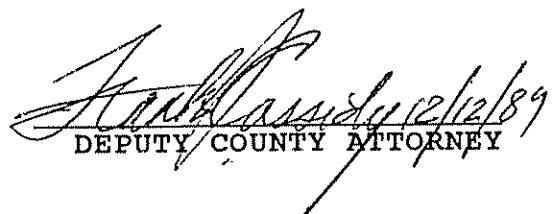
THAT the Chairman of the Board is hereby instructed and authorized to sign the said Agreement for the Pima County Board of Supervisors.

PASSED, ADOPTED AND APPROVED this 16th day of January, 1990.

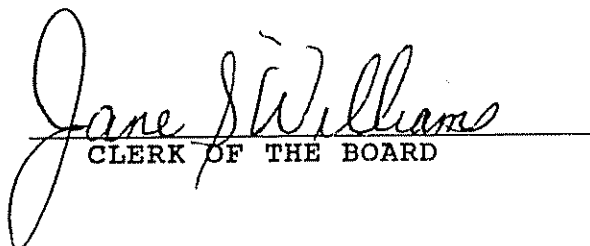
PIMA COUNTY BOARD OF SUPERVISORS

APPROVED AS TO FORM:

  
CHAIRMAN

  
DEPUTY COUNTY ATTORNEY

ATTEST:

  
CLERK OF THE BOARD

ADOPTED BY THE  
MAYOR AND COUNCIL  
APR 02 1990

RESOLUTION NO. 15258

RELATING TO INTERGOVERNMENTAL AGREEMENTS; APPROVING AND  
AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH  
PIMA COUNTY AND THE STATE OF ARIZONA FOR THE HOUGHTON ROAD  
CORRIDOR STUDY.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF  
TUCSON, ARIZONA, AS FOLLOWS:

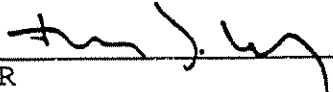
SECTION 1. The Intergovernmental Agreement with the  
State of Arizona and Pima County for the Houghton Road Corridor  
study, attached hereto as Exhibit A, is approved.

SECTION 2. The Mayor is hereby authorized and directed  
to execute the said Intergovernmental Agreement for and on  
behalf of the City of Tucson, and the City Clerk is directed to  
attest the same.


SECTION 3. The various City officers and employees are  
authorized and directed to perform all acts necessary or desir-  
able to give effect to this resolution.

SECTION 4. WHEREAS, it is necessary for the preser-  
vation of the peace, health and safety of the City of Tucson  
that this resolution become immediately effective, an emergency  
is hereby declared to exist and this resolution shall be effec-  
tive immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED by the Mayor and Council  
of the City of Tucson, Arizona APR 02 1990.

  
\_\_\_\_\_  
MAYOR


ATTEST:

  
\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY

REVIEWED BY:

  
\_\_\_\_\_  
CITY MANAGER

NWL:rsj  
3/15/90



JPA 89-109

APPROVAL OF THE COUNTY ATTORNEY

*I have reviewed the proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, CITY OF TUCSON and the COUNTY OF PIMA and declare this agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona to those parties represented by the Pima County Attorney*

DATED this 23<sup>rd</sup> day of October, 1989.

*Frank Cassidy\**  
Deputy Pima County Attorney

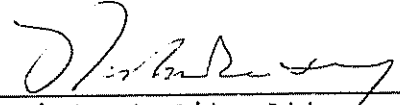
APPROVAL OF THE CITY ATTORNEY

I hereby state that I have reviewed the proposed Inter-governmental Agreement between the STATE OF ARIZONA, PIMA COUNTY and the CITY OF TUCSON and declare the Agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 15<sup>th</sup> day of March, 1990.

CITY OF TUCSON

By

  
Assistant City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2997

GRANT WOODS  
ATTORNEY GENERAL

TRN Main: (602) 542-1680

Direct: (602) 542-8837

Fax: (602) 542-3646

MAIN PHONE : 542-5025

TELECOPIER : 542-4085

**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR89-1808TRD, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATE August 6, 1998.

GRANT WOODS  
Attorney General

JAMES R. REDPATH  
Assistant Attorney General  
Transportation Section

JRR:et/14203

Enc.